

# HUMAN RIGHTS IN THE EYES OF CHINA'S STUDENT ELITE

BY INES KAEMPFER

Student activism has often been a critical element in human rights movements and the development of civil society in Western countries. What contribution can be expected from students in China, under an officially-influenced definition of human rights?

## Introduction

China is generally regarded as a country with little respect for human rights. This is in large part due to the Chinese government's human rights policy, which in both theory and practice demonstrates a different and arguably more relativistic attitude towards human rights than that laid out in the Universal Declaration of Human Rights.

Less is known, however, about how contemporary Chinese citizens view the concept of human rights. Does it still bear unpleasant Western and bourgeois connotations, or has public perception shifted to view it as an ideal worth fighting for? The answers to these questions would allow a more thorough assessment of the role human rights could play in building China's civil society, in which, at least according to Western conceptualization, the approval and application of human rights is seen as allowing individuals and communities to take responsibility for their life and society.

This article will present data that give us some hints on how the concept of human rights is viewed among Chinese university students, and the possible implications of these views on the development of civil society in China.

## A survey of university students in Shanghai

In 2004, I had the opportunity to include a few questions concerning human rights in a standardized questionnaire that was given to 424 students of Fudan University (Shanghai). The students surveyed were majoring in 17 different subjects in the general fields of arts, economics and technical sciences, and came from both rural and urban areas all over China (See Figure 1). The students could hardly be considered representative of the general Chinese population, since they possessed an above-average level of education and had gained entry to one of the country's best universities. Rather, the students in this

sample indicate attitudes toward human rights among young, educated Chinese, who will probably be most able to take advantage of China's current economic development.

## Attitudes towards human rights and the social representation of human rights

I was mainly interested in learning two things about students' views on human rights. First, I wanted to know whether the students considered human rights to be something positive. This general attitude was measured through the following questions:

- 1) whether human rights are important (on a scale of 1 to 7);
- 2) whether respecting human rights is necessary for a successful country; and
- 3) whether every human being is entitled to human rights.

Second, I wanted to find out what students actually meant when using the term human rights. To approach this question I used items developed by Swiss social psychologists Clémence and Doise<sup>1</sup> to measure the social representation of human rights. The items consisted of 11 examples of possible human rights violations, including examples touching on individual and social rights, implying the government as possible human rights offender, but also including other possible offenders (e.g. a community, or the parents violating their children's rights). The students then had to judge whether or not the described cases were human rights violations.

## Figure 1: Profile of students surveyed

**Age:** Most studying for bachelor's degree, 18–22 years old

**Sex:** 42% male, 58% female

**Places of Origin:** 48% big cities, 25% mid-sized or small cities, 17% towns, 10% rural

Fields of Study:	Number	%
Arts	79	19
Social Science	153	36
Economics	138	33
Technical Sciences	51	12

**Most popular majors:** Industrial management, sociology, Chinese culture & history, electrical engineering, social work, travel management, psychology, statistics

### Human rights are considered both helpful and important

Regarding general attitudes towards human rights, about 50 percent of the students showed their clear approval by choosing 6 or 7 (very important). Another 30 percent of the students chose the value 5, indicating a perception that human rights are important, but not unconditionally. Another 15 percent chose the middle value 4, which most likely also indicated a certain ambiguity toward how to answer this question. A very small minority of 5 percent felt human rights were not important at all (See Graph 1).

The students surveyed were convinced that a nation that respects human rights is better off, and that it is a state's duty to respect human rights.

It is worth noting that neither socioeconomic background nor field of study seemed to have any bearing on students' attitudes towards human rights. The only independent variable to which different attitudes could be attributed was an apparent positive correlation with the amount of consumption of foreign news, books and films.

The other two questions elicited a similar response to human rights. Seventy percent of the students agreed that *human rights are necessary for a successful government*. Support was even stronger for the general statement that *human beings are entitled to have rights, which protect them against abuse*, with 92 percent agreeing strongly, 6 percent agreeing to some extent and only 8 students (less than 2 percent) disagreeing. These results unequivocally indicate that the vast majority of the students understood human rights as something positive, and that most approved of the concept of human rights on this theoretical level. This, in my view, is a very important first result.

Looking at official human rights discourse in China, we can see that the Chinese government employs the human rights issue in a very ambivalent fashion. The government often makes use of human rights as an issue in the international arena, but implements human rights less enthusiastically within China's borders. Human rights-related NGOs are rare in China, and their scope of activities is limited, making effective lobbying for human rights in China difficult, if not impossible. Nonetheless, the term "human rights" apparently bears a positive connotation among China's educated youth. The students surveyed considered it a very important issue, and were convinced that a nation that respects human rights is better off, and that it is a state's duty to respect human rights.

It is worth noting that in the wider context of the survey, students agreed more on human rights than they did on certain traditional values that were also included in the survey. This is very similar to Western societies, in which the concept of human rights is one of the last surviving areas of moral consensus. The survey also showed a correlation between strong approval of human rights and a widespread approval of individualism. The classical French sociologist Emil Durkheim considered faith in individualism and personal

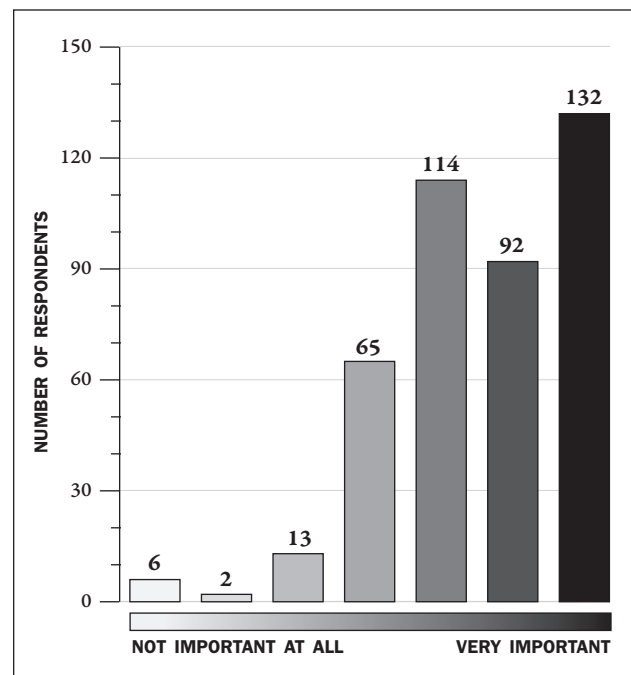
human dignity a quality of modern societies.<sup>2</sup> With Durkheim, this cult of the individual, whose dignity is sacred, can become a universal system of shared values and a guarantee for cultural integration in modernity.<sup>3</sup> The data in this survey suggest that the concept of human rights has the potential to serve as this kind of "guarantee" for integration in Chinese society, because approval of human rights is a value shared by nearly all students, regardless of their religious beliefs, values and socioeconomic background.

Such a unifying value is of particular importance in societies where, as in the case of the surveyed students, individuals are seen as getting what they earn through their achievements. This view lends itself to a hierarchical but flexible society in which some are wealthy and powerful and others are not. According to English anthropologist Mary Douglas, an individualistic view of justice leaves people free to pursue personal interests and advancement without feeling very integrated in society.<sup>4</sup> In this environment, human rights can provide a "backup system" for an individual who wants to enjoy the possibilities offered by freedom and also some protection from the risks presented by lack of integration in society. Urban Chinese communities increasingly reflect the distinctive features of an individualistic society that requires human rights protections to ensure its functionality.

### Ambivalence in hierarchy of human rights

The second set of questions focused on the definition or so-called social representation<sup>5</sup> of human rights among the university students. The bar chart in Graph 2 shows what specific examples were perceived by the students as constituting a "probable" or "clear" human rights violation.

The students' responses show no clear-cut pattern of relative enthusiasm for social rights as opposed to individual



Graph 1: The importance of human rights

rights. Certain situations that concern social rights, such as “people die of hunger,” are considered human rights violations, whereas another social example, “income differences are very high,” is not considered a human right violation by a majority of the questioned students.

#### Children’s rights and status of the family

Despite this lack of a clear pattern, closer analysis of the data suggests certain tendencies. In particular, there is a propensity to support children’s rights more strongly than others; out of three examples in which the victims were children, two were judged human rights violations by more than 80 percent of the students. Possible reasons for the high value placed on children’s rights are 1) the youth of the respondents; and 2) the importance of children in securing continuance of the family line and performance of ancestor rites.

The one item where children’s rights were disputed was the item “parents hit their children”; 34 percent of the students surveyed did not consider this a human rights violation, an apparent indication that education, discipline and hierarchy receive priority within the parent-child relationship. The exceptional status of the family is also reflected in the fact that the situation most widely regarded as a human rights violation is that in which a judge decides where children should live after a divorce, without consulting the children, thereby interfering with the “sacred” sphere of the family.

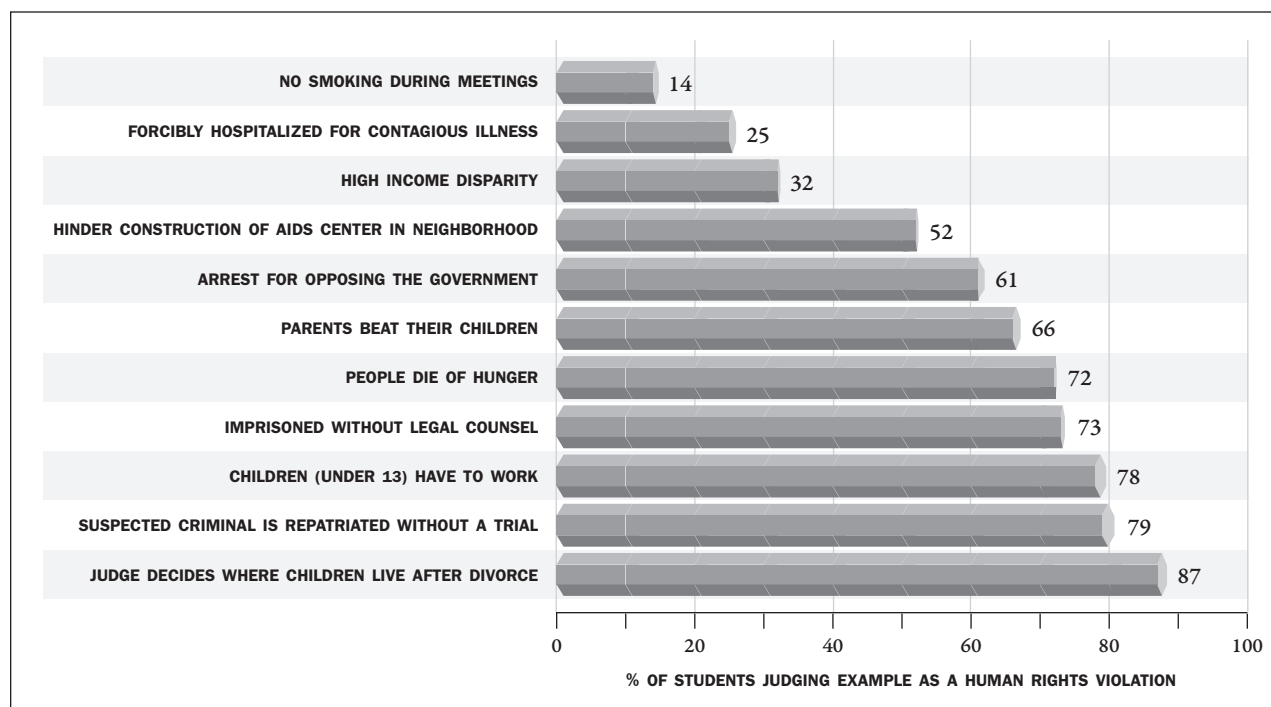
#### A state-focused definition of human rights

In all of the situations identified as clear human rights violations, the aggressor was either the state or one of its organs. However, items in which the aggressors were individuals or non-governmental institutions (e.g. parents beat children, community

hinders construction of AIDS center) were viewed much more ambivalently. It is therefore possible to say that the majority of the students considered an act to be a human rights violation only if perpetrated by the state.

This makes sense if we depart from the assumption that human rights are something granted by the state, as in the continental European tradition of human rights. The European tradition is very different from the Anglophone tradition, in which human beings have inherent rights, and it is the state’s duty to abstain from interfering with these rights. The United States Bill of Rights, and to a lesser degree the English Bill of Rights, codify such “negative rights,” especially the freedoms of speech, religion and assembly. On the other hand, the Continental European tradition, strongly influenced by Rousseau, denotes positive rights that society has agreed upon and that the state is obliged to protect and provide as part of a social contract ensuring the well-being of society and its individuals. The individual is expected to accept certain restrictions on his personal freedom in return for government-provided access to certain rights such as education, livelihood, work and equality.<sup>6</sup>

Early approaches to the discussion of human rights in China often considered human rights intrinsic to human nature, as reflected in the expression *tianfu renquan*—“heaven-endowed human rights.” Nationalism, and later Marxist socialism, put the emphasis on a concept of human rights and rights in general as being dependent on law.<sup>7</sup> This view continues to dominate the official discussion of human rights in today’s China; rights are not granted per se, but are predicated on economic and cultural conditions, as illustrated by an article published in the state-sponsored *Renmin Ribao* (People’s Daily), shortly after June 4, 1989:



Graph 2: Perceived human rights violation

Human rights are concrete rather than abstract and relative rather than absolute. Both the concrete stipulations in each country's law regarding citizen's rights (*gongmin quanli*), and the actual situation of citizens' rights in real life, are constrained by the country's political system, economic relations, cultural traditions, habits and custom and many other factors.<sup>8</sup>

The students surveyed tend to support a similar institutional definition connecting human rights to state action, with much less acknowledgment of a "horizontal" concept in which everyone can protect and violate human rights. Another result supporting this observation is the fact that students supportive of hierarchical values tend to also be very supportive of human rights.

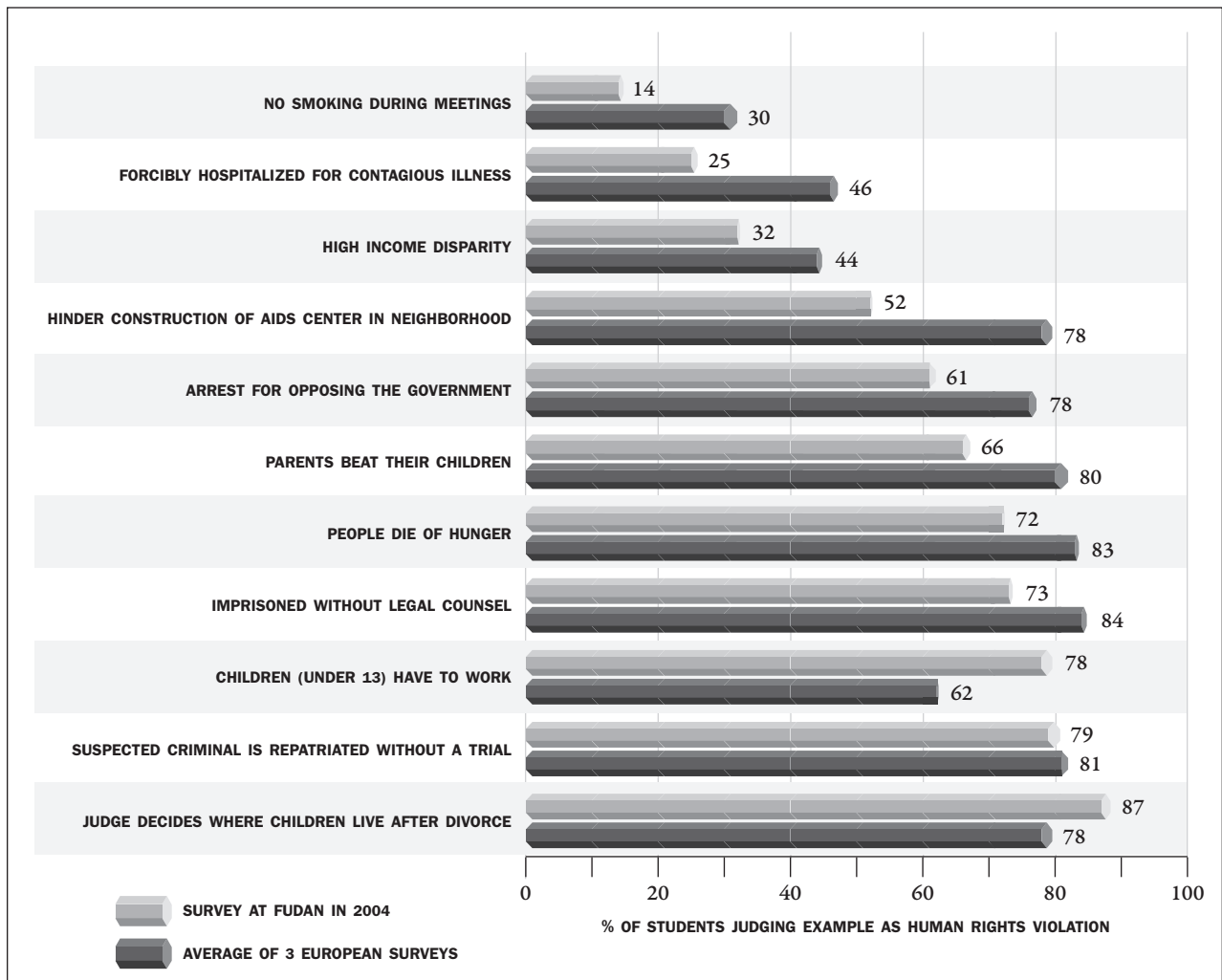
**International comparison**

This institutional definition of human rights is not unique to China. Research carried out by Clémence et al<sup>9</sup> in three European countries using the same questions show similar and even more obvious patterns. Again, examples where the state is the aggressor were considered human rights violations by nearly all stu-

dents. In contrast with the Chinese students, however, European students were most unanimous in identifying as a human rights violation the item "somebody is arrested because he opposes the government." While 80 percent of the European students considered this a human rights violation, only around half of the Chinese students did so. This illustrates a difference in what kinds of state interventions are accepted. One of the few cases of state intervention in which more Chinese than European students perceived a human rights violation was the item "somebody is sent back to his home country without a trial."<sup>10</sup>

In general, the students in the Chinese survey were more hesitant than European students to call something a human rights violation, and were more accepting of state interference.

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Graph 3: Perceived human rights violation: European and Chinese students compared

In this respect, it would seem that the Chinese government's policy of promoting a more restrictive definition of human rights has been successful. At the same time, the state has not been entirely successful in promoting a hierarchical order of human rights or emphasis on social rights. The influence of the state in students' construction of their own personal understanding of human rights may be limited by the influence of other value settings and information, even with limited access to sources on human rights specifically. Indeed, the survey results may reflect a range of different factors influencing the student's representation of human rights: defining human rights as institutionalized and state-centered reflects the government's influence; emphasizing children's rights reflects the influence of traditional values; and the diversity and vagueness of definitions may reflect limited access to specific information on human rights.

### **A Chinese civil society based on human rights?**

In summation, the survey identified five characteristics of the human rights recognized by the students:

- 1) The students regard human rights positively and consider them an important quality of a modern state.
- 2) Human rights fit an individualistic worldview, and at the same time provide a consensus among people with different values.
- 3) The definition of human rights is rather vague, and students are not in complete agreement over what should be called a human rights violation.
- 4) Children's rights are particularly emphasized, as long as they do not compromise parental authority.
- 5) The students' definition of human rights is strongly state-focused, and identifies the state as bestowing and withholding rights.

These findings provide some indicators for the prospect of a stronger civil society in China. According to Gramsci's dialectic theory, civil society is a product exchange and social relations between dominant and inferior groups that is shaped by the state to fit existing economic structures.<sup>11</sup> In addition, while civil society is molded by state and economic structures, it can also influence them. Although civil society is most influential in a cooperative rather than hostile relationship with state and economic structures, it must maintain a certain level of independence from them in order to develop alternative ideas and promote social change.

Throughout history, human rights provided the ideology and motivation to enhance the power of civil society, and the development of civil society has often gone hand in hand with the development and implementation of human rights. The strong general support for human rights indicates its potential as a unifying ideal and a basis on which young educated Chinese can build their version of a civil society. The finding that both individual and social rights are included in the students' definition of human rights also suggests that the civil society they help to build might focus on the needs of the individual as well as the well-being of the community.

Another conclusion, which might indicate some difficulties in building a civil society, is the strong correlation between

approval of human rights and individualism, which might signify a one-sided adjustment to the economic environment of contemporary China. The harsh reality of capitalism is shaping these students' lives and futures and the values and strategies they are developing to survive. This focus on the individual and the need for economic freedom could prevent or slow down the development of civil society. The balanced relationship between economy and civil society considered necessary for the emergence of civil society does not exist in today's China, where the economy often has absolute defining power.

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The survey results also indicate that a strongly state-focused definition of human rights may prevent many people from involving themselves in the promotion of human rights. It may also prevent a more horizontal understanding of human rights, in which civil communities, commercial companies and the individual are also acknowledged as having a role in protecting or infringing human rights.

The high value placed on the family and children reflected in the students' human rights definition might have contradictory effects on China's civil society. On one hand, it could help mobilize support for children's rights. On the other hand, placing the private sphere of the family outside the realm of human rights discourse may have an as yet unknown effect on strengthening civil society.

In conclusion, I would like to formulate two rather critical hypotheses about the possible role of human rights in promoting civil society in China.

1) A diffuse and state-centred definition of human rights, combined with an individualistic view of justice, might exclude the active involvement of civil society, and hold little appeal for those with less individualistic views and those who enjoy little benefit from China's current economic development.

2) A clearer and more comprehensive understanding of the concept of human rights is required to motivate people to fight for those rights.

This is, of course, a very provisional assessment of the role of human rights in the development of China's civil society. The data on which my hypotheses are based account for only a minority of Chinese citizens. They indicate, however, that any discussion of China's developing civil society must take into account not only the human rights discourse led by Chinese intellectuals, but also the voices and views of ordinary Chinese who must form the main constituency of a civil society.

This survey indicates that although there are signs of a positive human rights understanding, the representation of the concept of human rights is not yet clear and strong enough to build a strong, autonomous and lively civil society in China. Open discussions providing information and a range of views that can contribute to the development of a comprehensive

human rights definition is an essential first step. Only through such a debate can human rights become part of China's social reality and contribute

## NOTES

1. Alain Clémence et al. "La représentation sociale des droits de l'homme: une recherche internationale sur l'étendue et les limites de l'universalité," (The Social Representation of Human Rights: An International Study on the Extent and Limits of Universality) *Journal Internationale de Psychologie* 30, no. 2. (1995): 181–212. The original list consisted of 21 items. I reduced the list to be able to fit in the questionnaire, and also because some items were not suitable to the Chinese context.
2. This notion is most obvious in Durkheim's work "Suicide", where he emphasizes the religious character of the cult of the individual in modern society. Other than archaic societies where altruistic suicide was socially accepted in certain cases, this form of suicide is despised in modern society. The human being has become 'a god,' to kill him therefore is blasphemy. Emile Durkheim, "Suicide. A Study in Sociology," (New York: Free Press, 1997 [1897]).
3. See Matthias König, *Menschenrechte bei Durkheim und Weber* [Human Rights in the Writings of Durkheim and Weber] (Frankfurt am Main: Campus Forschung, 2002: 143).
4. See Mary Douglas, "Cultural Bias" in: *In the ActiveVoice* (London: Routledge & Kegan Paul, 1982).
5. Social representations describe "sense-giving systems" and tell us how people subjectively create their reality by defining abstract concepts. The founder of the theory of social representation, Serge Moscovici, points out that social representations are of major importance for behaving and communicating inside a specific society. See Serge Moscovici, "Attitudes and Opinions," *Annual Review of Psychology*, 14: 231–260.
6. See Jean-Jacques Rousseau, *The Social Contract* (London: Penguin Classics 1968 [1762]).
7. This rather 'restricted' definition of rights as a simple instrument for upholding the ruling order was promoted by the Chinese legalist school: "The 'rule of law' advocated by the Chinese legalist school was basically instrumentalist in nature, namely the law was used as an instrument by the rulers to control the ruled." See Jianyi Xin, "The Fate of the Rule of Law in Chinese History" in: *The Rule of Law and the 21st Century* (Beijing: Social Sciences Documentation Publishing House, 2004: 402–412).
8. Shi Yun, 1989, as quoted in Angle & Svensson 2001: 326.
9. Alain Clémence et al., op cit.
10. See Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*. Ed. Quintin Hoare and Georffea Nowell Smith (New York: John Wiley, 1996).

## SOLILOQUY AT THE GUARDED GATE

BY TAO JUN

Each night of moon and many stars,  
I always stop my pacing here  
Before the checkpoint  
To watch with deep affection  
The easy grace with which you walk away.  
Laden with my earnest counsels,  
You never looked back;  
And if you feel embarrassment  
You hide it well.  
Through welling tears I see refracted  
That soft white jacket, gradually receding.  
Looking beyond the barred way out,  
I crane my neck to scan the crowd  
Until eyes blur.  
Dogged by disappointment,  
I have stored in this passageway  
The bleakness of despondency.  
And here they wait for me:  
The accustomed parting,  
The cozy closeness that I know so well,  
The familiar soft white jacket.

In this moment the narrow pass  
Cleaves flesh from spirit like a whirling blade,  
Pries sadness from tenacity of purpose;  
Staring past that steely light,  
I just make out your glittering tears.  
Once fits and starts of anxious, fond concern  
Have passed in whispers through a microphone  
As breezes graze our cheeks,  
It's then the time for toughness, standing firm:  
To him who traces with unflinching hand  
The outline of the future,  
That blueprint by itself brings solace, warmth;  
Dispels the haze that hangs above  
Such a constricted place, and bit by bit  
Restores one's courage to  
Await the hour of an exploding dawn  
When little stars shall give way to the sun  
Mantled in radiant clouds—  
The buzzer calls the pigeons home.  
It lasts a minute, far too long.  
From our reunion comes a choked-up sob.

No. 1 Detention Center, Shenzhen, 2002

Rendered into English by A. E. Clark

The original Chinese poem was posted on the Web site of the Asia Democracy Foundation, [www.asiademo.org](http://www.asiademo.org), on July 24, 2006.